

11-8-1994

The Advocate

The Advocate, Fordham Law School

Follow this and additional works at: http://ir.lawnet.fordham.edu/student_the_advocate

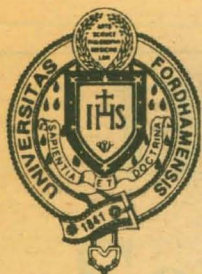


Part of the [Law Commons](#)

Recommended Citation

The Advocate, Fordham Law School, "The Advocate" (1994). *The Advocate*. Book 51.
http://ir.lawnet.fordham.edu/student_the_advocate/51

This Book is brought to you for free and open access by the Student Publications at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in The Advocate by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.



THE ADVOCATE

Fordham Law School's Student Newspaper since 1967

Vol. XXVII, No. 5

Fordham University School of Law • © 1994 The Advocate

November 8, 1994

WHITEWATER PROBER BASHES PUNITIVE DAMAGES

Calls For End to "Demonization" of Legal Profession



Kenneth W. Starr

Although there were no television news crews in evidence, the rumors swirling through school Thursday afternoon turned out to be well-founded: Whitewater Special Prosecutor Kenneth W. Starr made a major statement in this year's Sonnett Lecture.

Harking back to the times of John F. Sonnett (L. '33), when the practice of law was a respected profession, Starr called for the abolishing of punitive damages in tort claims, saying that they have changed the legal atmosphere for the worse over the last twenty years. They have caused attor-

Continued on Page 3

Judge Pollack Awarded Stein Prize

The following are the printed remarks of John D. Feerick, Dean of Fordham Law School, at the Fordham-Stein Prize Awards Dinner at the Pierre Hotel last Wednesday night. The affair was attended by many Second Circuit judges, law faculty and distinguished guests.

Father O'Hare, Louis Steln, distinguished members of the bench and bar and guests. Tonight, we are assembled for the 18th awarding of the Fordham-Stein Prize. As I begin my remarks, I would like to again acknowledge the debt and gratitude of our School to Mr. Stein for making this prize possible. I would also like to acknowledge his leadership and guidance in making our public interest and professional responsibility programs among the most outstanding in the nation.

The Fordham-Stein Prize was endowed to emphasize in the public's mind the contributions of lawyers to our society and to our democratic system. In keeping with this mandate, the Prize is presented to a member of the legal profession whose work exemplifies outstanding standards of professional conduct, promotes the advancement of justice and brings credit to the profession.

To accomplish this mandate, Fordham Law School conducts a nationwide search each year, through a selection committee, and invites nominations and supporting statements from jurists and attorneys throughout the United States. Since its inception, the Prize has been awarded to four members of the United States Supreme Court; three highly respected federal judges; three individuals who have held the position of U.S. Secretary of State, including the present incumbent; an outstanding defense attorney; a distinguished prosecutor; and a lawyer who has committed her whole life to public service. This remarkable group of honorees displays the diversity of our legal practice and the high-

est qualities of leadership and integrity which are models for all members of the profession.

This year's recipient of the Fordham-Stein Prize, Judge Milton Pollack of the Southern District, continues in this proud tradition. He has rendered outstanding service to the public, over a career spanning 50 years at the bar, and has earned a reputation among the judiciary and practitioners as one of America's great trial judges. He is particularly known as an exceptional contributor to the resolution of the most complex disputes, fair and equitable in dispensing justice, and prodigious in his efforts in helping his colleagues. One of these colleagues recently made the following observation:

"[Judge Pollack] is, quite simply, the best evidence I know of that our court system, so often the subject of criticism and so frequently the object of proposals to tinker with one or another of its features, can and does work to solve problems and do justice when administered by a wise, intelligent and firm judge."

Judge Milton Pollack was born in New York City and is the son of immigrant parents from Eastern Europe. He attended Columbia College and in his senior year entered its Law School, from which he graduated in 1929. Following graduation, he entered private practice and within two decades, he had established himself as one of the country's most outstanding lawyers — becoming, in the words of *The New York Times*, "one of the top litigators of his time."

Judge Pollack was appointed to the federal bench in 1967 by President Lyndon Johnson, following a career of nearly 40 years as a practicing attorney. He was then 61 years of age.

Though beginning a second career at

Continued on Page 3



Courts, Courts and More Courts

There are new courts at Fordham University's Lincoln Center campus. Not courts to argue in, but courts to play on. The University has tennis and basketball courts available for use by the Fordham community at Lincoln Center. The newly constructed courts are located at the corner of 60th Street and Amsterdam Avenue adjacent to the residence hall. Some lighting is provided for twilight games. To gain access to the basketball and tennis courts, individuals must sign up at the residence hall fitness center and present their ID cards to the security guard posted at the entrance gate on 60th Street. For more information, contact the residential life office at (212) 636-7100.

INSIDE:

LALSA Debate — p. 4

Crossword Puzzle — p. 8

Moot Court — p. 10

Secrets of the ILJ — p. 11

Exhibit on Battered Women Concludes In Library

by Yvette Leroy

Looking at these photographs you have to ask: Why are all these women lying wounded in hospitals, or locked in prison cells, or fleeing in the night, or huddled with their children on cots in a shelter? Why are all these women, and their children, forced to run from their own homes? And why are the men who terrorize them free to stay put? Why are they free to sit around and talk with a bunch of other guys about the terrible things they did? You tell me: What's wrong with these pictures?

— Ann Jones, from the introduction to "Living with the Enemy"

An exhibition of photographs by Donna Ferrato recently concluded its run in the Law Library. The exhibit, a cooperative effort of the Domestic Abuse Awareness Coalition, The Public Interest Resource Center and the Law Library, was a visual journey into the cruel and harrowing world of domestic violence. Donna Ferrato's photographs heightened the awareness of this social issue not only to the law school community but to the community at large.

Domestic violence is a leading cause of injury, if not death, to American women, inflicting more harm to women than muggings and rapes combined. The physical pain of domestic violence, especially conveyed in this exhibit, is made more disturbing because the inflictor is a loved one, someone with whom the victim has developed an emotional tie, making the pain an unhealthy part of the relationship.

The American legal community, historically influenced by the British common law concerning the rights (or lack thereof) of women, was slow and reluctant to view "wife beating" as a serious offense. The stated legal theory, handed down from the British, called "the rule of thumb," allowed husbands to beat their wives with a weapon, such as a rod or a switch, which was no thicker than the man's thumb. This was a legally accepted defense in U.S. courts. As recent as 1962, a California Supreme Court judge refused to hear a "battered wife's" charge of assault against her husband because affirming such a charge

"would destroy the peace and harmony of the home, and would be contrary to the policy of the law." (See: Self V. Self). This judicial way of thinking continued well into the 1980s in U.S. courtrooms.

As early as the 1970s, publication began on a body of literature, paving the way for intense scrutiny and statistical documentation of domestic violence. One of the first books to reach the shelves was Maria Roy's *Battered Women: A Psychological Study of Domestic Violence*, published in 1977. The following year Lenore Walker's classic, *The Battered Women*, was published. It studies to challenge in the courts what was heretofore a socially accepted practice. In 1981, Fordham Law Professor Maria Marcus wrote one of the earliest law review articles dealing with domestic violence, "Conjugal Violence: The Law of Force and the Force of Law." Continuing the intense scrutiny, Lenore Walker pried deeper into the subject and published, *The Battered Women's Syndrome*, which identified and discussed the behavior of women who have been subjected to sustained abuse. The influence of these publications and other related materials and actions which raised social consciousness realized fruition when, in 1984, the New Jersey Supreme Court, in *State v. Kelly*, became the first court to allow the "battered women's syndrome" defense as admissible evidence. Other courts were pushed to follow suit.

Donna Ferrato's photographs are chronicled in her own book, *Living with the Enemy*, which is available for purchase in the Public Interest Resource Center. As this photo documentary so powerfully informs us, domestic violence is an issue that no longer can be accepted, trivialized or ignored. The book and exhibit is a visual testimony to the demoralization and precariously unbalanced lives of battered women, and their children. The book's forward is written by Ann Jones, author of *Women Who Kill*. These books, along with the following short bibliography document the in-



From left to right Matilda Cuomo, Linda Lavin, Hedda Nussbaum and Donna Ferrato at the open of the exhibit in Kissam Library.

creased awareness of a subject which for too many years remained taboo.

ABA Family Law Section. *Marital & Parental Torts: A Guide to Causes of Action Arguments & Damages*. Ill: ABA, 1990.

Bernstein, Susan. Goldberg & Kelly. "International Human Rights & Violence Against Women", 6 *Harv. Hum. Rts J.* 195, 1993.

Goolkasian, Gail. *Confronting Domestic Violence: A Guide for Criminal Justice Agencies*. D.C.: U.S. Dept of Justice..., 1986.

Harvard Assoc. "Legal Responses to Domestic Violence", 106 *Harv. L. Rev.* 1505, 1993.

Hilton, N. Zoe. *Legal Responses to Wife Assault*. Ca: Sage, 1993.

Johann, Sara Lee. *Representing-Battered Women Who Kill*. Ill: Thomas, 1989.

Karp, Leonard. *Domestic Torts: Family Violence, Conflict & Sexual Abuse*. Colo: McGraw-Hill, 1989.

Klein, Catherine.

"Providing Legal Protection For Battered Women: An Analysis of State Statutes and Case Law," 21 *Hofstra L. Rev* 801, 1993.

Knowlton, Douglas. "Mediation In The Presence of Domestic Violence: Is It The Light At The End of the Tunnel or Is A Train On The Track?" 70 *N. Dak. L. Rev.* 255, 1994.

Rivera, Jenny. "Domestic Violence Against Latinas By Latino Males: An Analysis of Race, National Origin, and Gender Differentials," *Third World L. J.* 231, 1993.

Sloan, Irving. *Protection of Abused Victims: State Laws & Decisions*. NY: Oceana Pub., 1982.

Walker, Lenore. *Terrifying Love: Why Battered Women Kill & How Society Responds*. NY: Harper, 1989.

Welch, Donna M. "Mandatory Arrest of Domestic Abusers: Panacea or Perpetuation of the Problem of Abuse." 43 *DePaul L. Rev.* 1133, 1993.

*If it happens at
Fordham, it's in
The Advocate !*

Holiday Toy Drive: Fordham

Seeks Help for St. Luke's Kids

By Stacey Sabo

Professor Paula Franzese's property class, comprised of Sections 4 and 5, has initiated a toy drive to support the Child Life Program at St. Luke's-Roosevelt Hospital. Over the next three weeks, class members will purchase specific toys from a "Wish List" of the items most frequently requested by St. Luke's youngest patients. During Thanksgiving week, the students will bring the toys to St. Luke's and have an opportunity to tour the newly refurbished Pediatric Ward and meet some of the children who will use the toys in their play therapy sessions in the Pediatric Playroom.

The pediatric patients at St. Luke's are mostly inner city children, ranging in age from infancy to 18 years, who come to the hospital for a variety of treatments. Many children have HIV

or cancer and thus have a frequent association with the hospital. Others may be victims of car accidents, shootings, stabbings or other incidents and come to the hospital for temporary but intensive care. The Pediatric Playroom works with all of these children to help incorporate them into the hospital routine by exploring through play the roles of doctors, nurses, technicians and the tests or procedures that the children will have to undergo as part of their treatment. This explanation serves to validate a child's concerns and help her maintain her dignity and sense of control over herself and her treatment.

The child life program is a relatively new field in pediatric medicine. As Robert Quinn, the head of the Pediatric Playroom at St. Luke's, explained,

toys and play are the center of the child life program, helping the child life specialist to discover and diminish any fears a new patient may have about her admittance to and treatment in the hospital. If this patient is very young, she may be unable to express her fears because they seem confusing and overwhelming.

Through playing "hospital," with the child as the doctor and dolls as the patients, and using such diverse equipment as children's medical kits and actual hospital instruments, the child life specialist can find out what the child does and does not understand about her treatment and help her to come to terms with it in a manageable way. The child is thus enabled to feel that she has some control over what is happening to her because she under-

stands her treatment and has a chance to control the action and alter unwanted results.

Older children, who may be reluctant to express any concerns or questions about their treatments, are encouraged to write and draw creatively. In this way, these children can assume a persona or express themselves through a third person, and the child life specialist can thus help them to come to terms with their fears.

Aside from its therapeutic role, play is an intrinsic part of a child's life. The continued normalcy of play, both alone and with other children, helps the child both by mitigating the stark difference between home and hospital and showing that child that she not that different from other children, that other children get sick too.

Judge Pollack (continued from Page 1)

a time of life when most individuals are contemplating retirement, Judge Pollack brought to the bench a boundless energy, commanding intellect, and passion for justice that has defined his life as a judge. One of his fellow judges recently noted, "In these times of crushing caseloads and spiraling litigation costs, which often combine to delay or, indeed, deny justice, Judge Pollack is widely recognized and universally acclaimed as a model of innovative, practical, and expeditious adjudication."

Chairman Arthur Levitt of the Securities and Exchange Commission echoes this comment and praises the Judge as a consummate leader in the profession:

"I have known Milton Pollack for over thirty years and feel for him the kind of respect and affection that I have experienced for few others in my lifetime. [He] is a remarkable individual who has made singular contributions to the law. His energy and dedication at age 87 are nothing less than breathtaking. After twenty-six years on the bench when many would have long ago become hidebound, Judge Pollack is ever receptive to new ideas and new technologies that will improve the quality and efficiency of the administration of justice. He aggressively pushes to resolve cases with a drive that is tempered by a deep sense of fairness and decency and informed by a vast knowledge of the law. His mastery in the field of securities regulation is perhaps unique: he entered the practice of law at about the same time that this agency was created, went on to become one of the country's leading securities law practitioners, and, since his appointment to the bench, has authored more than 150 decisions in the field.

"Judge Pollack's extraordinary qualities and abilities are perhaps best illustrated by the global resolution he engineered of lawsuits against Michael Milken and Drexel Burnham Lambert, the crowning achievement of a long and distinguished career. In the wake of the law enforcement initiatives that led to their demise, Milken, Drexel, and others were besieged by scores of private lawsuits brought on behalf of hundreds of thousands of investors seeking billions of dollars in damages. These disparate cases from a multitude of different jurisdictions were consolidated before Judge Pollack. Thanks to his mastery of the subject matter, his tenacity, his forcefulness, and his fairness, all of them were received by way of settlement. I under-

stand that there was a sense of incredulity among those involved that such an enormous volume of litigation involving so many different parties and so much money could be disposed of so efficiently by mutual agreement.

The value of Judge Pollack's successful efforts to resolve the Drexel and Milken litigation is incalculable. At the most basic level, the settlement means quick and certain compensation to claimants. Beyond that, the settlement will relieve the courts of what would have surely been years of extraordinary complex and costly litigation. Finally, for all those who decry the dismal state of our legal system, the settlement serves as an inspiring illustration of what can be accomplished when innovative procedural rules are applied in a creative, intelligent, and even-handed way."

In addition to his achievements in the courtroom, Judge Pollack is recognized for his contributions to court administration. A *New York Law Journal* profile, some years ago, noted that "during his years as an active judge, he not only carried a full schedule and was one of the court's leaders in maintaining a low pending caseload but was also as active on many judicial committees." The article extolled Judge Pollack's leadership in being "one of the volunteer judges who began the experimental program [in the 1970s] that led the Southern District Court to switch from the master-calendar system to the individual-assignment format. It also notes his guidance in "head[ing] a committee that revised the jury system in the Southern District court and [for leading a] panel that revised the civil, criminal, admiralty, and general rules of the court."

In his career, Judge Pollack has served on five committees of the Judicial Conference of the United States: Committee on Trial Practice and Techniques (1968-70), Salary Committee (1971-72), Committee on Court Administration (1971-87), and Chairman of its Subcommittee on Supporting Personnel (1970-80) and Subcommittee on Jury Alternatives for Complex Litigation (1982-84). He is also a member of the Federal Judicial Center's Board of Editors of the *Manual for Complex Litigation* and has served on numerous District Court Committees, including the Assignment Committee and the Jury Committee, of which he is presently Chairman.

In 1983, Judge Pollack was appointed, by U.S. Supreme Court Chief Justice War-

ren Burger, as a member of the Judicial Conference Committee on Multi-District Litigation, and continues to serve in this capacity to date. He brings to that Committee the same talent and commitment which characterizes his service on the bench.

Of this service, a colleague recently made the following comment: "I had occasion to observe incognito, i.e., from the back of the courtroom, seated among lawyers and other observers, the [Proceedings of the Judicial Panel on Multidistrict Litigation. One of the questions presented to the Panel was whether the Korean Airlines disaster cases should be referred back to the transferee judge in light of certain newly-discovered evidence. . . . A lawyer representing plaintiffs argued . . . the burden of that delay would fall heavily upon plaintiffs, many of whom, he continued, are survivors of the passengers, who lost their primary breadwinner in the disaster and are now penniless. Defendant's counsel argued with some force that judicial economy required a single judge to assess the significance of the new evidence."

"Judge Pollack . . . questioned defendant's counsel to confirm counsel's agreement that under the Warsaw Convention at least \$75,000 was payable to the survivors of each person who perished in the disaster [and] whether he would agree as a condition of transfer that defendant immediately pay \$75,000 to the survivors of each passenger, postponing to another day the question of whether additional sums might also be payable. After an audible gulp, counsel agreed."

"During the break in the proceedings, this exchange was the sole topic of conversation amongst the literally dozens of lawyers in the room. Lawyers who knew the case and lawyers who did not were heard to remark that Judge Pollack accomplished more for the just administration of these cases in five minutes than all other judges and lawyers who had been involved had accomplished over the years."

"Closer to home, we in the Southern District observe the same scenario on a daily basis, not only in Judge Pollack's courtroom but as a result of his guidance. . . . He has, in his quarter century on the bench, consistently exemplified the highest standards of the profession. He is a role model for all of us and sets a standard to which all aspire but few achieve."

In his closing remarks at the conclusion of the Drexel Burnham litigation, Judge

Pollack generously praised all the participants for the great efforts they had contributed to this extraordinary case. He said, in part, "I owe each of you, the lawyers and your supporting staffs, an apology for the driving force under which you had to work. I congratulate each one of you for your participation in making this masterpiece become the reality it presents. . . . Were we situated to do so, we would hand out at the door of each one of your offices a flag that would memorialize this effort and the occasion that brings you together at the finish line."

As we gather here this evening, it seems that these gracious words form an appropriate metaphor for the career of our honoree. Every day of his professional life, Judge Milton Pollack has crossed the finish line with a standard of excellence that serves as a model for members of the bench and bar, and in doing so he has created a life in the law that has become the masterpiece that we honor tonight.

It is a truly great honor for me to present the 1994 Fordham Stein Prize to Judge Milton Pollack.

Prosecutor (cont'd from Page 1)

neys to view their adversaries as "the enemy," thus creating an atmosphere of distrust that has coincided with a diminished respect for the legal profession by the American public.

"The practice of awarding punitive damages was first seen as the cure," said Starr to a large audience at McNally Amphitheatre, "but later as the problem, and now the disaster." In California in the late 1950s, the largest award of punitive damages was about \$75,000. "Even if you adjust that figure for inflation," noted Starr, the size of the award pales in comparison to amounts awarded by present-day juries.

Starr, 48, served as a judge on the D.C. Circuit Court of Appeals and as Solicitor General during the Bush Administration. He also served as a senior aide to Attorney General William French Smith, and clerked for Chief Justice Warren Burger.

LALSA Panel Debates Cuban Crisis

By Karla Sanchez and Henry Bell

Following the collapse of its major benefactor, the former Soviet Union, Cuba has faced many economic setbacks, and continues to suffer under the U.S. trade embargo. On October 18, 1994, LALSA sponsored a panel entitled "The Cuban Crisis," where leading experts on Cuba and its leader, Fidel Castro, discussed the present and future of the island republic.

Dean Feerick opened the panel by thanking the speakers and welcoming our new Dean of Students, Dean Escalera, who was attending her first Fordham event.

David Mejias, LALSA's Recruiting Chair, moderated the panel. The panel was led off by David Asman, an editor and author of the Americas column of the *Wall Street Journal*. He discussed the trade embargo and his recent trip to Cuba.

Asman last visited Cuba in July just before the refugee crisis began. During his trip to Cuba he spoke with approximately 150 people, only one of which, a drunken informer, supported the Castro regime. He also found the economic conditions to be dismal.

The *Journal's* current position regarding the trade embargo against Cuba is that it should be lifted. Asman stated that the trade embargo has failed to dislodge Fidel Castro from power. He argued that free

trade and contact with the United States is more likely to function as a catalyst for change in Cuba. Specifically, Asman argued that as a result of trade and contact with the United States, the beginnings of a market would form that would facilitate Castro's fall from power. He also emphasized that Cuba is no longer the threat to the United States it was when it was receiving between "six and seven billion" dollars a year from the former Soviet Union. However, the trade embargo should be unilaterally lifted without the extension of loans or credit to the Castro regime by any of the international lending agencies, such as the World Bank or the International Monetary Fund.

Maritza Bolaño, Esq., a Fordham alum, President of the Fordham Law Latin American Alumni Association and associate at Epstein Becker & Green, P.C., gave the opposing view regarding the embargo, arguing the embargo should remain in place. First, she briefly discussed the long history between the United States and Cuba, a history that dates back to the turn of the century and Cuba's independence from Spain during the Spanish-American War. The history between the two countries is very complex and Bolaño pointed out that events and conditions such as the Platt

Amendment, the United States' involvement in the failed Bay of Pigs invasion and the large Cuban exile community living in the United States, make the Cuban-American relationship different from the United States' relationship with other countries. An example of this different relationship is that although the Cold War is over and most of the United States' Cold War relationships with their nemeses have changed, that is not the case with Cuba. Cuba is still fighting the Cold War, has not instituted democratic reforms and remains hostile towards the United States.

She then raised several points in opposition to Mr. Asman and in support of the trade embargo. Bolaño emphasized that although the trade embargo has been in place since the 1960s, the former Soviet Union ceased subsidizing Cuba only recently; therefore, it is only now possible for the trade embargo to become an effective tool against Castro's dictatorship. Furthermore, she argued because there are no capitalist institutions in Cuba to support free trade the Cuban people will see little, if any, of the benefits of lifting the trade embargo. Rather, the Castro regime will see the benefits and as a result Castro will be able to tighten his grip on power in Cuba. One final point Bolaño made is that the

embargo is not the problem in Cuba, Fidel Castro is.

Carol Schlitt, Esq., the Cuban & Haitian Coordinator of the newly formed organization The Open Society Institute spoke about the refugee crisis. The Open Society Institute's purpose is to encourage "open societies" and "democratic reform" in countries where democracy does not exist.

She visited Guantanamo Bay shortly before the exodus of the "boat people" and has since visited the four camps set up for Cubans in Panama. She reported that the conditions in Panama, although better than in Guantanamo Bay, are still very shabby. There are approximately 16-18 people per tent resulting in absolutely no privacy. There is also a "prison" in the camp. One woman was sentenced to 180 days for striking a military police officer. According to the agreement with Panama, the four camps will remain open for only six months (which does not leave time for the prisoner to complete her sentence!)

Schlitt never expressly addressed, however, whether the refugees should be allowed into the United States although she indicated that the United States has agreed to allow 20,000 refugees into the United States per year. She also stated that she was in favor of opening a dialogue with the Cuban government, a comment that proved to be very controversial with some of the audience and speakers. According to Schlitt, such a dialogue would be based on some common ground between the United States and Cuba. The audience pointed out that it is impossible to negotiate with Castro who stands against democracy and has always negotiated and acted for his personal benefit, on his own terms, and without any regard for his people who continue to suffer under his rule.

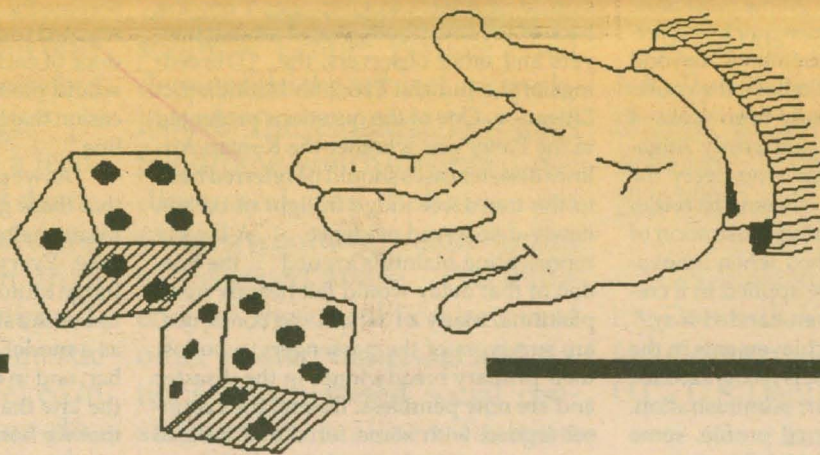
Finally, Professor Berta Esperanza Hernandez of St. John's University (currently a visiting professor at Georgetown) addressed human rights. Her statements that caused the most emotion to erupt were those that proposed that although Cuba has an atrocious record regarding political human rights, the Cuban record regarding economic rights must be considered more carefully. She pointed out that according to U.N. statistics, Cubans rank very high in Latin America in health care, education and welfare rights. However, she also pointed out that although these advances must be noted they often are like a double-edged sword. For example, although everyone has a right to work they also have an obligation to work. They do not choose where to work but work where they are told to work. [A more complete discussion of the successes and failures of the Castro regime will appear in Professor Hernandez's article, "Out in Left Field: Cuba's Post-Cold War Strikeout," in Volume 18, Book 1 of the *Fordham International Law Journal*. — Ed.]

The audience members were quick to point out other negative attributes. For instance, one audience and LALSA member, Elizabeth Fernandez, pointed out that although children get an education they do not get to choose in what subjects they will be educated. Children are sent away to school and often are subject to forced labor in exchange for their education. They are indoctrinated and have access only to those books, newspapers and magazines that the government allows. Fernandez recently returned from a trip to Cuba to visit her family and saw many of these conditions first-hand. Many of the audience members noted that the advances in health and education attributed to the revolution existed before the revolution. The question and answer period was at times very emotional, as Professor Hernandez warned discussion of Cuba often is.

Karla Sanchez is President of LALSA. Henry Bell is a member of LALSA.

PIEPER BAR REVIEW WANTS YOU TO...

Be a Winner!



ALL 1ST, 2ND OR 3RD YEARS:

Pieper NY-Multistate Bar Review is looking for a few good persons to be representatives at your law school. If you're at all interested, give us a call.

CALL 1-800-635-6569

Work on earning a free Bar Review course.

COME JOIN THE PIEPER TEAM!!!

From the Editors

The Talent Show Is Here!!

Yes, the long-anticipated spectacle will take place next Thursday November 10. at 5:00 PM. Refreshments will be served. The show is jointly sponsored by the SBA, the Advocate and Professor Marjorie Martin and is open to all students, faculty, and administrators of the Law School. There's still time to sign up if you want to perform. Just contact Curt Schmidt at 212-586-8599 or call the Advocate office at 636-6964 for further information. If you do not plan on performing, please come out and support your talented fellow Fordhamites while they take the opportunity to ham it up on stage. What's more, a source has informed the Advocate that a ThANG will take place later that night at the Baja. So come on out and make it one BIG FUN night!!!

In the past few weeks, we have seen the dreaded mailbox file folders disappear, to be replaced with the sturdier mailboxes on the wall. That is good for those students inconvenienced by the process and we applaud whoever had the foresight to implement this change with such efficiency.

The cafeteria is looking better and better. It is now, in effect, a very roomy lounge, where many students gather to relax, talk and work. The only thing missing is a television set, which would complete the cafeteria/lounge. at least until the food services arrive.

We also applaud the administration's foresight in offering coffee and tea in the evenings. It is a real boost for students who can have complimentary beverages during their class breaks without having to hike to Lowenstein. We hope this trend continues even after the official opening of the cafeteria.

Public Interest Fellowship

The Charles H. Revson Foundation has made a grant to the Public Interest Law Center at New York University School of Law to administer the Charles H. Revson Law Students Public Interest (LSPIN) Fellowship Program for the summer of 1995.

The program will provide up to 45 stipends at \$3,250 each to first and second year students attending law school in New York and New Jersey who are interested in working in public interest organizations in the New York metropolitan area during the summer. Applications and more detailed guidelines have been forwarded to both the office of the Dean and the Public Interest or Career Placement Office.

The support of LSPIN Fellowships is one way in which the Revson Foundation has chosen to support the important goal of introducing students to opportunities in public service. All interested students are encouraged to apply.

Women's Dinner

Fordham Women's Mentor-Mentee Dinner will be held on Friday, November 11 from 4:30 P.M. to 6:30 P.M. in the 1st floor Resident Hall Lounge. A casual buffet dinner will be served. Come and meet, eat, and talk!

THE ADVOCATE

Fordham University School of Law

Earl A. Wilson
EDITOR-IN-CHIEF

Kira P. Watson
MANAGING EDITOR

David Bowen
PHOTOGRAPHY EDITOR

Jeffrey Jackson
COMMENTARY EDITOR

Robert A. Cinque
EDITOR EMERITUS

Contributors: David Black, Jeffrey Jackson, John Mastandrea,
Craig A. Rogers, Robert Shisler
Layout: Charlie Caldarola

The Advocate is the official newspaper of Fordham Law School, published by the students of this school. The purpose of *The Advocate* is to report the news concerning the Fordham Law School community and developments on the legal profession, and to provide the law school community with a medium for communication. *The Advocate* does not necessarily concur with opinions expressed herein, and is not responsible for the opinions of individual authors or for factual errors in contributions received. Contributions are tax deductible. Address all letters, manuscripts, and blank checks to: The Advocate, 140 W. 62nd St., Fordham University School of Law, New York, NY 10023. Telephone 212/636-6964. Submissions should be made on disk in MacIntosh Microsoft Word 5.0 or WordPerfect 5.1, accompanied by a hard copy. We reserve the right to edit for length.

© 1994 *The Advocate*

**NEXT DEADLINE FOR
SUBMISSIONS TO
THE ADVOCATE is
FRIDAY,
NOVEMBER 18
(NOTE: THE NEXT ISSUE
WILL BE THE LAST FOR THE
FALL SEMESTER)**

**Submissions may be left in
our folder in the Student Ac-
tivities area on the Garden
Level Remember, submit a
disk in MS Word or
WordPerfect format!**

Dark Elegy: The Pain of Life Lost



On December 21, 1988, while at 31,000 feet, a terrorist bomb exploded, destroying Pan Am flight 103 over Lockerbie, Scotland. The flight was filled with holiday travelers, most on their way home from London to New York. All 259 passengers and crew perished along with 11 people on the ground. Bodies, effects, debris and wreckage fell over an area of 840 square miles. The recovery process was beyond anyone's imagination.

Aboard Pan Am 103 were many young people, among them my first born son Alexander; a Syracuse University senior on his way home for Christmas. He had just spent an exciting semester at the Syracuse London Campus. Alexander was 21 years old. I was devastated!

I am a sculptor and it is natural for me to shape, form and translate my emotions into large human figures. At this point I started creating mother figures in various expressions of grief, pain and rage. When other women who had lost love ones on Pan Am 103 learned of my work many expressed a desire to contribute to this project called "DARK ELEGY". One by one they come into my studio, step onto a posing platform, close their eyes and go back to December 21, 1988, to that horrible moment when they learned that their loved one had died. They allow their bodies to fall into the position that it took upon hearing that most devastating news. Some scream, some beg, some weep, some pray, some curl into a ball, while others raise

their fists in anger and despair. This is the moment that I freeze in time. This is the pose that I shape into sculpture. I have asked the women to give me a small memento of their loved one which I then place into the sculpture, generally in the heart area. Sometimes it is a shoe lace, a sock, an earring, a photo or a poem or whatever they wish. One day these items will be found and provoke thought and remembrance.

Each figure is inscribed with the names of both the woman posing and that of the person lost. In this way each sculpture becomes a private statement.

Many of the total 125 figures which I envision have already been completed. I believe it is quite unusual for someone to portray such tragic, raw emotion, not as an outsider looking in, but as one of those portrayed.

All figures are slightly larger than life and are made of synthetic stone and fiberglass shaped over a welded steel armature and wire. The pieces are weather resistant.

My hope is that "DARK ELEGY" becomes a reminder showing what hate can do both to people and to countries. It should be a reminder that life is fragile and that we can lose that which is most precious to us so easily, and have to live with that loss for the remainder of our lives.

"DARK ELEGY" is dedicated with deep love to all victims.

— SUSE LOWENSTEIN (from the plaque in front of the display)

by Kathi Denise Lang-Thorbs

The gathering of sculpture that now resides in the Robert Moses Plaza is deceiving from a distance. The variety of figures, all in muted tones, is almost visually pleasing from afar. As you move closer, and the details become clearer, the visual pleasure is replaced with unsettling emotions which, depending on your life experiences, affect all your senses. The pain displayed by the figures is so real it almost attacks you, and does not allow you to turn away to break the connection.

Like most law students, my days, hours and minutes are not my own. I rarely go to the Plaza, and only see the artwork from the Lowenstein cafeteria or from the street. I only recently saw the display, and even then it was at the insistence of another student. I worked hard to hold back the surge of feelings that came forward at the sight of all these mother figures, each experiencing the most tragic loss a woman can experience in their own way.

If you have had a tragic loss in your life, the display pulls you back to the time of that loss. The sensory recollections of that time take over you. You may feel the dryness in your mouth, the weakness in your knees, the pain in your heart, or the sheer helplessness of knowing a loved one has slipped away, and you are powerless to stop them.

Each work is similar in some ways, yet unique. The heavy breasts tell of women who have aged; who have nursed and nurtured babies, and felt the triumphs and losses of their children's lives in the hearts beating beneath those breasts. The settled bellies tell of muscles worn from bringing forth life, life nurtured by them within their bodies and souls.

All the figures communicate the breaking of the gentle tether that connects mother and child. The collapsed

figures give in to the loss; the figures clutching their hearts try to still the pain; the figures that curl want only to revert back to a time when this tremendous agony was unknown.

There are two types of figures that denote a deep religious belief — the kneeling ones and the ones that reach for the sky. Some would pray for their loss, while others would question a power that would take away someone loved so dearly and held so closely.

Suse Lowenstein shows great courage in not only sculpting herself and these women, but in transporting the group back to a time and place in their minds that most humans would rather seal away forever. The loss of a child has to be one of life's most horrific experiences. A few years ago, I lost a brother, and my father's observation focused on what a parent must feel. He said, "It's not supposed to be this way. The parent is supposed to die, then the children." Somehow, we expect life to have a natural order, and when it deviates from that order, and in such a senseless, violent way as the Pan Am explosion, we cannot understand it.

I hope that everyone has an opportunity to experience the exhibit. As future lawyers, perhaps many of us become so enamored of our ability to strip away the emotion and identify the facts and legal issues that we lose touch with the individual, human aftermath of singular illegal acts. That these women should have such pain because of political differences between two countries is truly senseless. Ms. Lowenstein's artwork should bring forth something in everyone who views it.

The "Dark Elegy" exhibit will be on display in the Robert Moses Plaza through March 1995.

Photographs by David Bowen



BLOOD BUDDIES TAKING THEIR TIME



The short time it takes to donate a pint of blood —less than 10 minutes —can mean a lifetime for someone undergoing a major operation. Nine out of ten people need blood at some time during their lives and one out of every 10 hospital patients requires a transfusion of three pints or more.

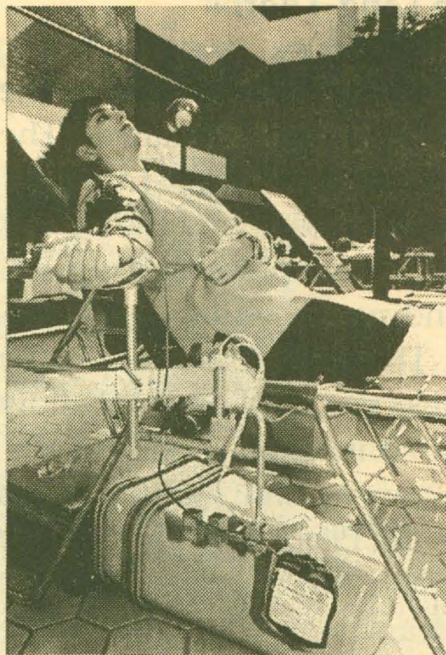
Fordham Law School's fall blood drive on October 11, 1994, was conducted by New York Blood Center, the nation's largest independent blood services center and the major supplier in the metropolitan area. Citibank, this

year's sponsor, treated all donors to a light snack and a new blue backpack.

The Blood Drive was coordinated by Vanessa Melendez '96, CoDirector of Fordham's Community Service Project, with the able help of student volunteers: **Anthony Dryer, Katherine Loving, Rhonda Martin, Willard Shih, Naeem Vargo, and Derek Jokelson.**

The Community Service Project wishes to thank all the students who participated in this year's blood drive on October 11, 1994. Together, Fordham law students donated 59 pints of blood.

- | | |
|-------------------|--------------------|
| Craig Ascher | Nicole Forde |
| Jason Baker | Prof. M. Flaherty |
| Michael Bertrand | Paul Garfinkel |
| Charles Blake | Erez Gotlieb |
| Elise Borckman | Justin Green |
| Nancy Clermont | Prof. James Kainen |
| Julianne Cohn | Dina Kaporis |
| Steven Eichel | Prof. C Katsoris |
| Galit Einy | Michael Keeley |
| Maria Fazzolari | Richard Keenan |
| Dean John Feerick | Chester Kreyeuski |
| William Fenrich | Hallie Kostrinsky |



- | | |
|-------------------|-------------------|
| Amanda Krevitt | Donna Rosinki |
| Steven Lando | Laurent Sacharoff |
| Peter Lattman | Heather Sager |
| Moselle Leventhal | Peter Schalk |
| Ethan Leonard | Leah Schleicher |
| Katharine Loving | Lisa Stanger |
| Prof. Linda Sugin | John Tierney |
| Janet Tracy | Jennifer Verdiano |
| Alan Rabinowitz | Joseph Verga |
| Daniel Richman | Susannah Walter |
| Jeffrey Rosier | Richard Marrin |

- | | |
|------------------|-------------------|
| Robert Matz | George Moskal |
| Felicia McCoy | Brenda Murphy |
| Mary McKee | Sean Murphy |
| Douglas Mitchell | Roslyn Myers |
| Vanessa Melendez | Neil O'Halloran |
| Gary Meyer | Lawrence Restieri |
| Mary Morabito | Michael Winderman |

Upcoming events

November 7-16

CSP is collecting canned food items to donate to the needy. Deposit donations in the Law school lobby.

The CSP gives a special thank you to Jude Rickman for updating our Participating Organizations list!C! Fordham Volunteers who want to do independent projects can pick up an information packet in the CSP office.

CSP Drop In Hours

Monday, Wednesday 2:00 p.m. to 4:00 p.m. Tuesday, Thursday 11:00 a.m. to 1:00 p.m.

For information on other projects, call the CSP office at 636 6970 or stop by the Public Interest Resource Center in Room 17.

COFFEEHOUSE ROCK featuring FORDHAM LAW TALENT

**THURSDAY,
NOVEMBER 10
5 PM - ???**

LAW SCHOOL CAFETERIA

Come see your friends sing and play!

Presented by

THE ADVOCATE

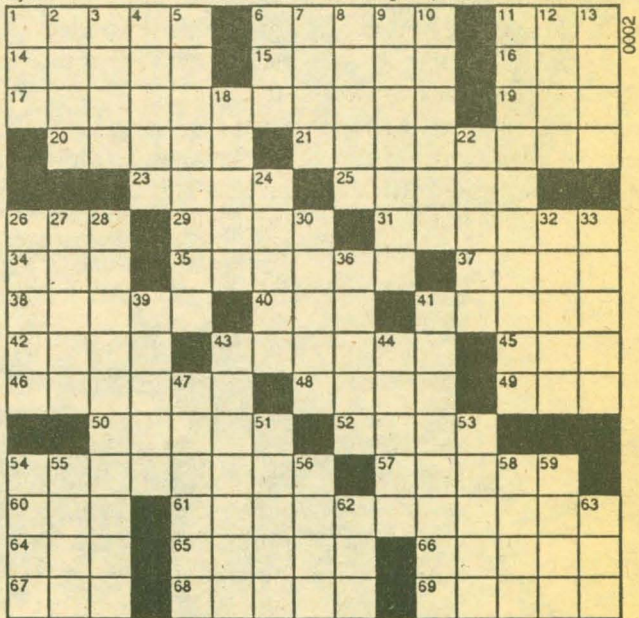
**In Conjunction with
BAR/BRI**

CROSSWORD® Crossword

Edited by Stan Chess

Puzzle Created by Richard Silvestri

- | | | | |
|-------------------|-------------------------|----------------------|---------------------|
| ACROSS | 40 ____ Friday | 68 Pieces of | 28 How do the |
| 1 Monkeyshine | 41 Imposing | eights? | sheep get into |
| 6 Withhold the | group | 69 Inhibit | the pen, |
| tip | 42 <i>Ne plus ultra</i> | DOWN | Holmes? |
| 11 Bother | 43 Go back to | 1 Cheta, for one | 30 Certain |
| 14 Domino plays | page one | 2 Guitarist | servicewomen |
| it | 45 Lines | Lofgren | 32 Hitting ____ |
| 15 Bush-league | overhead | 3 Address | cylinders |
| 16 Over- | 46 Pre-election | 4 "The bombs | 33 Authority |
| permissive | event | bursting ____ | 36 Make a |
| 17 Why did | 48 Ponzi scheme, | ... | decision |
| Fitzgerald sing | e.g. | 5 Issues orders | 39 Gave a hand |
| "mi," Holmes? | 49 "Hold on Tight" | 6 Little, to a | 41 Came clean |
| 19 Mr. Adams | band | lassie | 43 Does some |
| and ____ ('50s | 50 "I Still See | 7 Dyeing wish | cobbling |
| TV show) | ____" (<i>Paint</i> | 8 Following | 44 Biblical brother |
| 20 Gives the | <i>Your Wagon</i> | along | 47 Torrent of |
| once-over | tune) | 9 Bird or Barkley | abuse |
| 21 Villagers | 52 Speaker of | 10 Dressing type | 51 Young, Ladd |
| 23 Slum problem | diamond fame | 11 Where did this | and King |
| 25 Nuts | 54 Holds in check | fruit come | 53 Easily-split |
| 26 Workout spot | 57 Different | from, Holmes? | rock |
| 29 Jersey | 60 Gallery display | 12 Humorist | 54 Summer place |
| bouncers? | 61 Is this in the | Barry | 55 Voiced |
| 31 Zoo | style of a | 13 Babe's | 56 A foe of Pan's |
| attractions | devilfish, | buddies | 58 Q.E.D. middle |
| 34 Feel lousy | Holmes? | 18 Artificial-fabric | 59 Have value |
| 35 Stretched out | 64 Spanish sea | component | 62 Stomach |
| loosely | 65 Star in Cygnus | 22 Mogul master | muscles, for |
| 37 Alcohol burner | 66 Raise the | 24 It's often set | short |
| 38 Featured | spirits | 26 Bar food | 63 "____ dam |
| players | 67 Persevere at | 27 King or queen | tootin'!" |



Viewpoint

The Flip Side of *Shaw v. Reno*

In Defense of Pluralism

By David A. Bowen

I am deeply troubled by the remarks made by John Mastandrea in relation to minority-majority districts and to Judge Higginbotham in "The Racial Gerrymander: See How Far We've Come," which appeared in the last issue of the Advocate. It is important to paint a more accurate portrayal of Judge Higginbotham and his defense of minority-majority districts.

At the time of his promotion from the federal district court to the court of appeals, Judge A. Leon Higginbotham was only one of six African-Americans to reach the federal appellate judiciary. One of six. That was in 1977. He has throughout his career been recognized in liberal and conservative circles alike as a thoughtful, fair-minded, and independent attorney and judge. That is

larly in the South, has had a long and sad history of denying its citizens of African decent the right to participate in the political life of the nation. Many states either imposed literacy tests, which blocked entirely access to the voting booth and/or subtly drew district lines in such a way to dilute minority voting strength. Minority-majority districts came in the wake of the Voting Rights Act of 1965 and the 1982 amendments thereto. It was hoped that through this legislation, minorities would have equal opportunity to elect representatives of their own choice, be they White or Black. The Act has been phenomenally successful, increasing minority representation in the Congress to levels which nearly reflect the general population.

Judge Higginbotham's remarks about Justice Thomas reflect the independent thought and commitment to democratic principles for which he is widely respected.

why his long and distinguished professional history spans the legal spectrum from the NAACP general counsel to the federal judiciary to the corporate law firm of Paul, Weiss, Rifkind, Wharton & Garrison. People know and respect this man's intellect. How, then, can Mr. Mastandrea seriously imply that Judge Higginbotham is a slave for the "political plantation" called the Congressional Black Caucus? Mr. Mastandrea wrote that "Higginbotham presumably doesn't think blacks exists as individuals, as evidenced by his bilious reaction to the writings and philosophies of Justice Clarence Thomas." In contrast, according to Mr. Mastandrea, Justice Clarence Thomas "think[s] independently" because he opposes minority-majority districts and espouses a conservative judicial philosophy that is anethma to most African-Americans. Of course, Judge Higginbotham knows that the African-American community is not monolithic; however, Justice Thomas represents a viewpoint that would substantially erase the gains that African-Americans amassed in the past 30 years. No one can idly stand by while others seek to take away his/her voice in government. Thus, far from acting as a acrony of the Congressional Black Caucus, Judge Higginbotham's remarks about Justice Thomas reflect the independent thought and commitment to democratic principles for which he is widely respected.

Putting to one side Mr. Mastandrea's unfortunate equation of Judge Higginbotham with plantations, it also important to clarify Judge Higginbotham's view on minority-majority districts. This nation, particu-

larly in the South, has had a long and sad history of denying its citizens of African decent the right to participate in the political life of the nation. Many states either imposed literacy tests, which blocked entirely access to the voting booth and/or subtly drew district lines in such a way to dilute minority voting strength. Minority-majority districts came in the wake of the Voting Rights Act of 1965 and the 1982 amendments thereto. It was hoped that through this legislation, minorities would have equal opportunity to elect representatives of their own choice, be they White or Black. The Act has been phenomenally successful, increasing minority representation in the Congress to levels which nearly reflect the general population.

It is important for any society which claims to be democratic to embrace pluralism to the fullest. In the context of the single-member district system, the creation of minority-majority districts is a legitimate means of achieving this objective. Mr. Mastandrea calls the creation of minority-majority districts "segregation." History teaches, however, that in the days of de jure segregation, blacks were not allowed to participate in the political process at all! No votes; no representatives; no voice at all. Today, because of the Voting Rights Act, not only do minorities the power to vote, but they have used this power to elect representatives who champion their interests. Thus, if Mr. Mastandrea is attempting to argue that Jim Crow segregation and minority-majority districts are both evil—which they are not—the latter is clearly the lesser of the two evils. I would dare say separate but equal is better than absent but equal.

Perhaps Mr. Mastandrea would have been better informed had he read Judge Higginbotham's article, *Shaw v. Reno: A Mirage of Good Intentions with Devastating Racial Consequences*, which appeared in the last volume of Fordham Law Review. There, Judge Higginbotham explains the importance of pluralism to the democratic process:

Pluralism allows a mutual education process between individuals. Minorities learn of the concerns and fears of majorities, while majorities learn of the lives of others and experiences that may well be unable to imagine. The sharing of such life experience is indisputably necessary if American democracy is to thrive.

Shaw is a Bad Precedent for Equal Representation

By Craig A. Rogers

When I read John Mastandrea's viewpoint article on the speech given by the Honorable A. Leon Higginbotham Jr., I wondered whether we attended the same event. Judge Higginbotham addressed the ramifications of the Supreme Court decision in *Shaw v. Reno*. In *Shaw*, five white voters from North Carolina brought an action alleging a violation of their constitutional right not to live in a district drawn based on racial considerations. The new districts were the result of a redistricting plan the North Carolina General Assembly instituted to comply with Section 5 of the Voting Rights Act. Also, the districts were drawn to address the state's past lack of representation of blacks in Congress. The population of North Carolina is 22% black, yet there had not been a single black representative from the state in this century until after the redistricting plan.

In *Shaw*, the Supreme Court held, in a majority opinion written by Justice O'Connor, that there exists a cause of action if a district is: 1) drawn so irrationally on its face that it is unexplainable as anything other than the segregation of voters into districts based on race, and 2) that the district would be subject to strict scrutiny requiring that there be a compelling government interest before it can be consistent with the Equal Protection Clause. Judge Higginbotham expressed his concern that this case sets a precedent that allows the challenging of voting districts merely because they have a majority of black voters and an irregular shape. Judge Higginbotham also pointed out that there is no constitutional requirement that a redrawn district have a certain shape and commented that the *Shaw* decision effectively limits the protection afforded voters by Section 5 of the 1965 Voting Rights Act. Indeed, this holding creates a new cause of action that allows

challenges to districts without the traditionally required injury or harmful effects such as vote dilution or the violation of the one-man one-vote standard.

Mastandrea attacked Judge Higginbotham's speech as high on emotion but low on substance. However, Mastandrea seemed to find much substance to disagree with in his article. Mastandrea's assertion that Judge Higginbotham believes that all blacks think alike is unfounded. However, racial block voting is a reality. This is evidenced by the fact that the GOP is 92% white and that blacks overwhelmingly vote for democratic candidates. Also, Judge Higginbotham's criticisms of Justice Clarence Thomas are not based on a difference in political philosophy as much as they are based on Justice Thomas' bitter and antagonistic attitude towards civil rights issues and organizations. These organizations made it possible for him to be in the position he is in today. Justice Thomas seems to possess the intention to burn the bridges that others built for him to cross.

In closing, I would like to touch on a few other issues. First, the Honorable A. Leon Higginbotham is a distinguished federal judge who served on the bench for 27 years. It is proper to refer to him as "Judge Higginbotham," not just as "Higginbotham." To do so exhibits a lack of respect for the judiciary and particularly for Judge Higginbotham. Second, Mastandrea's assertion that the Congressional Black Caucus is just a group of politicians out to keep their jobs is insulting. Finally, the reference to the Congressional Black Caucus as a "political plantation" could be construed by some as a racially insensitive comment. Such inflammatory rhetoric has no place in a scholarly commentary about the implications of a recent Supreme Court decision.

*The
Advocate*

—
your Fordham
voice!

Wormser Ends on High Note

By Earl A. Wilson

The Wormser Moot Court Competition ended on Wednesday November 2, 1993 with a flurry of fierce arguments from the final four competitors. In the end, the finalists lined up this way:

Peggy Healy - Best Speaker
Andre Goldfrank
Micah L. Hobbs
Andre Reilly

Best Brief Writers
Lance Perez
William Richter

"The competition went well. It was a pretty good problem," stated Patrick Cox, Editor-in-Chief of the Moot Court Board. Approximately 41 participants have been selected to

interview for positions on the Board. By press time, all would have been interviewed. "All 16 quarter finalists will be automatically admitted to the Board," then 19 or so of the others, indicated Cox. Noting that the Board plans to admit approximately 35 people, Cox rationalized that sometimes the Mulligan Board is staffed with less people and sometimes the Board needs more because they field more teams in the second semester. "We usually take more after Wormser. We have six teams for the balance of the year. We need more people to staff the Kauffman competition in March," which Fordham sponsors.

Criteria

We look at the writing skills of the competitors. Approximately four fifths of the participants, on a first tier, are graded on a straight score. The last 20% are placed because of strong writing skills. Those in the 20% with the highest brief scores will get interviews. "We need good writers, especially for Bench Memos," asserted Cox. Bench Memos are documents that judges in competitions are given to read in order that they may know all the relevant material for the problem to be argued. Fordham fields a competition team and a bench memo team for each competition, including the inter school competitions the school engages in.

"Most schools don't do a Bench Memo," stated Cox. However, Fordham sponsors four competitions and we write bench memos for all of them, including interschool competitions.

Expanded List

There are more people being interviewed on the Board than in the last few years. That means that more people won't make the Board at the final count. "It gives us more of an opportunity to see more candidates," asserted Cox, who indicated that the new format was his idea. "It gives us more of an opportunity to see more candidates, thus enabling us to invite more strong writers.

Cox indicated that "we would, in past years, turn away, say three people, which appeared arbitrary".

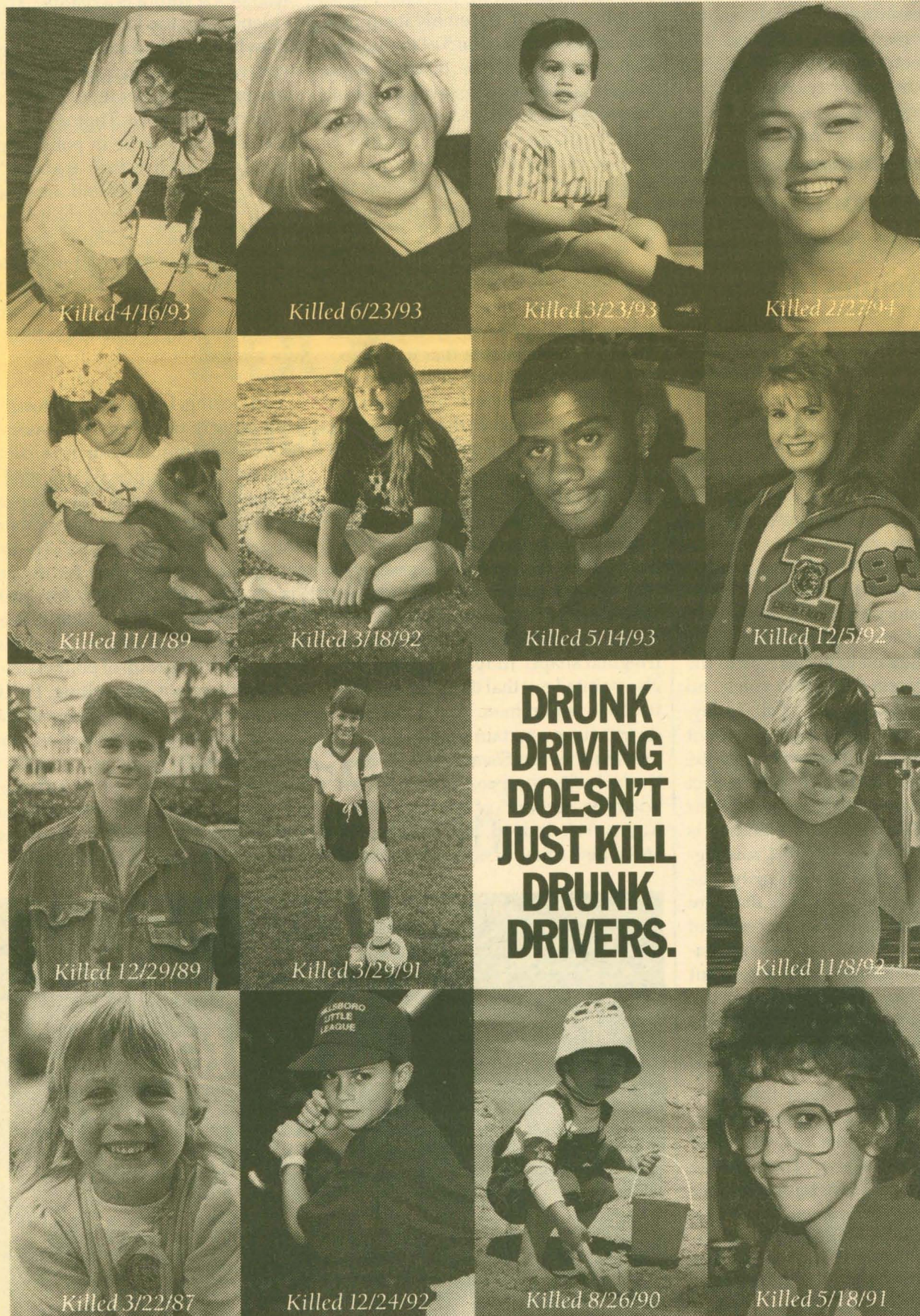
Solid Teams

Fordham teams have done well in the recent past. "80% of competitions in the last two years we argued into the quarter finals. We argued up to the semifinals with 50% of the teams," in the last two years as well, acknowledged Cox.

Once the Board is set, the pace will quicken as the school year progresses. In the next two weeks, in fact, the competition and bench teams will be set, according to Cox. The first of November is the national competition. The last is in the first week-end in April. Most teams argue in the second semester.



From left to right: Andre Reilly, Andrew Goldfrank, Peggy Healy, Micah Hobbs, William Richter and Lance Perez



If you don't stop your friend from driving drunk, who will? Do whatever it takes.

FRIENDS DON'T LET FRIENDS DRIVE DRUNK.

Selections

by Catherine Manion

Constant Companion

I walk with death
A step behind
A constant companion
Frightening, yet - not unkind.
As fleeting a presence
Like a wind passing through
A copse of trees
Beneath dawn's early dew.
A moment in time
At once here, at once gone
Yet, a constant reminder
That she endures on.

As I speak
She draws closer still
Her gentle steps gaining
By effortless will.
Since I do not understand
I quicken my stride my stride
For I seek to outrun her
Ah! With the innocence of a child.

All is futile I see....

For here she is now
Calm, peaceful, serene
Not a furrow on her brow.
And in this instant
I know beyond shadow or doubt
I entered through one door
And she is my sole way out.

I look behind me
And now I see
Suffering, misery
And untold agony
Enslaved no more
My spirit can rise
Unchained from all pain
My soul soars high,
Heavenward, to my Lord and
Maker
Into the loving embrace
Of my Eternal Caretaker.

**Read
The
Advocate**
—
**be in the
know!**

Side Wise

Going International: Solving World Crises Made Simple

By Robert Cinque

Here at Fordham, the scholarly journals, published by students, are a great source of pride. We have five fine fora of forensic philosophizing, each with their own specialty. I myself have the honor of belonging to the International Law Journal, which I shamelessly promote in these pages at every possible occasion, just waiting for someone from one of the other journals to say, "Hey, how about mentioning *us* for a change?" Well, other journals, this is what happens when you let these things slide. Stop me before I shill again!

Now back to business. The

those guys what Belarus sounds like in English. I'll admit Byelorussia was a bit of a mouthful, but at least it had an air of dignity. Belarus, on the other hand, sounds like something you see at the zoo.

Actually, Russia looks like a fun place these days (if CNN is to be believed), with all the criminals driving around in Beemers and Mercedes and wearing Western fashions. Not that it should remind you of Peter the Great and all that Westernization in Russia that happened to precede the Revolution...

But of course, there's more to the ILJ than the issues. It is

You know those two-part titles with the colon you always see on legal articles? ILJ invented that.

ILJ, naturally, concerns itself with weighty matters of international law, such as why the European Community treaty is signed by such nations as the Republic of France, the Italian Republic, the United Kingdom, and the King of the Belgians. This may not seem like much to you, but the ramifications are serious indeed. For instance, you'll notice that all the countries except Belgium signed in the corporate name, while the Belgians let their king sign for them. What happens if the King of the Belgians decides he doesn't like this treaty stuff anymore? Is he exceeding his authority as the Belgians' agent if he pulls out of the deal? Is he an agent at all, or just an old guy on a throne? For that matter, what if the King and all the rest of the Belgians picked up and ran off to, say, Madagascar? They'd still be Belgians, so would he still be their king? Would he have to go with him, or could he just stay in Belgium and fax his orders to the Belgians?

And that's just one international problem. There's also the turmoil in the former Soviet Union, where one of the former republics was actually allowed to call themselves Belarus. Do you know what kind of a breakdown in law and order is necessary to make such a thing possible? Either that, or no one told

also one of several journals around the country that claim to be the birthplace of the two-part title with the colon in the middle (you first-years may have noticed that every scholarly legal article written in the last ten or fifteen years has a title that looks something like "Quasimodo on a Bad Day: Judicial Interpretations of the Takings Clause With Respect to the Fair Use Doctrine." Well, the ILJ invented that, and don't believe those Columbia folks who say they did it first.)

Unbeknownst to the general public, ILJ also lays claim to the largest dance floor of any of the journals. Over the summer, when all the journal editors were hosting prospective staff members, the ILJ party went on deep into the night, with a mosh pit in front of the stage as Pearl Jam blared from the sound system and Ian Sugarman sang along. Over a hundred people took part in the festivities, with very few casualties and hardly any blood spilled. Since then, of course, the bacchanaliae have intensified to the point where the Urban Law Journal, ILJ's next door neighbors, are trying to get out of their lease.

But enough about ILJ. The other Fordham journals have equally fascinating histories, and I intend to cover them all, starting with what's hidden in ULJ's extremely large refrigerator.

But For Fate.

When oft in life
Our way we lose,
Fate sends circumstances
Enabling us to choose -

A path of truth
And common sense,
A route correct
Above all else.

As the saying goes
"To Thine Own Self Be True" -
Follow that adage
And you'll not rue

The path of choice
The way selected -
Which the seeker within
So eagerly expected.

Our direction thus set
We stride purposefully on
Down a road
We mightn't have gone....

But for Fate
Whose compass we've
used
To guide us towards
A life opened anew.

— Catherine Manion

Classified

STUDIO APARTMENT FOR SALE (CO-OP) - W. 64th Street btwn CPW & Lincoln Ctr. EIK, very quiet, prewar bldg, beamed ceilings, buzzer security. Approx. 400sf, owner occupied, lots of charm & convenience. MUST SELL - \$50,000 Maint. \$388 (52% deductible) 80% Financing CALL (212) 769-9506

**SELL! BUY!
TRADE!
with a
Classified Ad
in
The Advocate!
Call 636-6964**

Only BAR/BRI!

Only BAR/BRI's office was open the weekend before the New York bar exam, July 23rd and 24th. All other bar review courses in New York State were closed.

Only BAR/BRI's attorneys were available to answer students' substantive and procedural questions.

Only BAR/BRI's staff was available to assist in obtaining seat assignments for the hundreds of students who had not yet received them from the Bar Examiners.

So the next time the other bar review courses claim to give personal service and attention and claim to be available whenever you need them, remember ...

Only BAR/BRI delivers.

BAR/BRI
BAR REVIEW

THE ONLY CHOICE